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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/770,491	01/29/2001	Janne Kallio	59864 00527	7373	
32294	7590 01/15/2008	- EXAMINER			
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			D AGOSTA, STEPHEN M		
			ART UNIT	PAPER NUMBER	
	,		2617		
			MAIL DATE	DELIVERY MODE	
			01/15/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/770,491	KALLIO, JANNE		
Examiner	Art Unit		
Stephen M. D'Agosta	2617		

The MALLING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 20 Decamber 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a void abandonment of this application, applicant must timely file one of the following replies. (1) an amendment, affidavit, or other evidence, which places the application in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a ☐ The period for reply expires			Stephen M. D'Agosta	2617	
1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or not evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In ne event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (6). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions from may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee made soon of the may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee marker 37 CFR 1.17 of the for purposes of determining the period of axtension and the corresponding amount of the fee. The appropriate extension fee marker 37 CFR 1.17 of the for purposes of determining the period of axtension and the corresponding amount of the fee. The appropriate extension fee marker 30 CFR 1.17 of the feet purposes of determining the period of axtension and the corresponding amount of the feet. The appropriate extension feet from the mailing date of the final rejection, even if timely filed may reduce any earned patient term adjustment. See 37 CFR 1.704(b). MONTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on		The MAILING DATE of this communication appe	ars on the cover sheet with the	e correspondence ado	ress
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires om: (1) the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In overent, however, will the statutory period for reply expires and (1) the mailing date of the final rejection. Examiner Note: If Not 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee may reduce any exame plant term adjustment. See 37 CFR 1.70(a) is calculated from: (1) the expiration date of the shortened statutory period for perly originally set in fell Office action, or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed array reduce any examed patent term adjustment. See 37 CFR 1.70(a) or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal and sheen filed, any reply must be filed within river mails and the substance of the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would requi	THE REPL	LY FILED <u>20 December 2007</u> FAILS TO PLACE THIS	S APPLICATION IN CONDITION	FOR ALLOWANCE.	
(a) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In one event, however, will the statutory period for reply expire later than SIX MONTHS for the final rejection. Examiner Note: if box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MREP 705.07(i). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hander 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal also been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place	this a place a Re	application, applicant must timely file one of the folloves the application in condition for allowance; (2) a Nosquest for Continued Examination (RCE) in compliance	ving replies: (1) an amendment, tice of Appeal (with appeal fee) i	affidavit, or other evider n compliance with 37 C	nce, which FR 41.31; or (3)
nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.7(a) is calculated from. (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as the forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Applicant's reply has overcome the following rejection(s): 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or	b) 🔲 -	The period for reply expiresmonths from the mailing The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (dvisory Action, or (2) the date set fo ater than SIX MONTHS from the mai (b). ONLY CHECK BOX (b) WHEN T	ling date of the final reject	on.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	have been f under 37 Cl set forth in (may reduce	filed is the date for purposes of determining the period of ex FR 1.17(a) is calculated from: (1) the expiration date of the s (b) above, if checked. Any reply received by the Office later any earned patent term adjustment. See 37 CFR 1.704(b)	tension and the corresponding amou shortened statutory period for reply o than three months after the mailing	int of the fee. The appropring riginally set in the final Off	iate extension fee ce action; or (2) as
 3.	filing a No	the Notice of Appeal (37 CFR 41.37(a)), or any extentice of Appeal has been filed, any reply must be filed	nsion thereof (37 CFR 41.37(e)).	, to avoid dismissal of th	ns of the date of ne appeal. Since
appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: 54 and 61. Claim(s) objected to: 54 and 61. Claim(s) withdrawn from consideration:	3. ⊠ The (a) <u>∑</u>	proposed amendment(s) filed after a final rejection, They raise new issues that would require further co	nsideration and/or search (see N		ecause
NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4.		appeal; and/or			the issues for
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):	(a) L	——————————————————————————————————————		rejected claims.	
 7.	5.	amendments are not in compliance with 37 CFR 1.1 plicant's reply has overcome the following rejection(s) wly proposed or amended claim(s) would be all	21. See attached Notice of Non-:	•	
Claim(s) objected to: 54 and 61. Claim(s) rejected: 31-33,35-43,45,53,55,56,58-60 and 62-75. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:	7. X For I how The	purposes of appeal, the proposed amendment(s): a) the new or amended claims would be rejected is prostatus of the claim(s) is (or will be) as follows:		will be entered and an	explanation of
 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) 	Clair Clair Clair	m(s) objected to: <u>54 and 61</u> . m(s) rejected: <u>31-33,35-43,45,53,55,56,58-60 and 62</u> m(s) withdrawn from consideration:	<u>-75</u> .		
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	8. The	affidavit or other evidence filed after a final action, bu	at before or on the date of filing a d sufficient reasons why the affic	Notice of Appeal will <u>n</u> davit or other evidence i	ot be entered s necessary and
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12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	REQUEST	FOR RECONSIDERATION/OTHER			
<u> </u>	11. 🔲 The	e request for reconsideration has been considered bu	it does NOT place the applicatio	n in condition for allowa	nce because:
			(PTO/SB/08) Paper No(s)	_	
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Continuation of 3. NOTE: The proposed amendments do not fully incorporate the recommendations as put forth by the examiner (eg. which would have possibly put the case in condition for allowance). These claims are still viewed as being non-novel and thus would require a new search..

STEVE M. D'AGOSTA PRIMARY EXAMINER